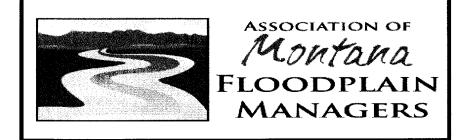
AMFM P.O. Box 1305 Helena, Montana 59624-1305 mtfloods@mtfloods.org www.mtfloods.org



EXHIBIT

DATE 2-19-69

Chair

Laura Hendrix, CFM Ravalli County Planning Department 215 S. 4th St, Suite F Hamilton, MT 59840 (406) 375-6530 lhendrix@ravallicounty.mt.gov

Vice Chair

Carrie Higinbotham, GISP, CFM PBS&J 3810 Valley Commons Dr, Suite 4 Bozeman, MT 59718 (406) 587-7275 x 224 cbhiginbotham@pbsj.com

Treasurer

Terry Cowan, PE Robert Peccia & Associates 825 Custer Ave/PO Box 5653 Helena, MT 59604 (406) 447-5052 terryc@rpa-hln.com

Secretary

Dan Leatzow, PhD, PE RLK Hydro, Inc. 484 N Main St Kalispell, MT 59901 (406) 752-2025 dan@rlkhydro.com February 18, 2009

Representative Elsie Arntzen Chair House Local Government Committee

RE: HB 455: Big Sky Rivers Act

Dear Chair Arntzen and Members of the Committee,

The Association of Montana Floodplain Managers (AMFM) Board of Directors strongly urges the House Local Government Committee to support HB 455 as drafted. Development along Montana's stream and river corridors is increasing at an alarming rate and the impacts of this development will negatively affect the lives of all Montanans. As unchecked riverfront development continues it will adversely impact Montana's natural and cultural resources, fish and wildlife habitats, as well as water quality and quantity. Unwise development could diminish our quality of life, undermine economic development and jeopardize public health, safety and welfare.

AMFM encourages the legislature to recognize that flooding is our nation's number one natural disaster. Flooding is the most widespread, the most costly, and the most deadly natural disaster; however flooding only becomes a hazard when people compete with nature for the use of floodplains. When floodplains are left in their natural state, flood events do not cause major damage or threaten lives. The development of Montana's floodplains has undoubtedly increased our vulnerability to the consequences of flooding.

It is important to note that Montana's floodplain management jurisdiction is limited to floodplains that have been mapped and adopted by communities which accounts for only a fraction of the State's streams and rivers. The proposed setbacks in HB 455 will complement the National Flood Insurance Program (NFIP) by adding a margin of safety for property owners who build near dynamic river systems. Setbacks would also mitigate flood hazards by accounting for flood-prone lands that are not yet delineated or are inadequately mapped. Furthermore, the proposed legislation allows local governments to tailor setbacks to address a community's particular flood hazard.

HB 455 will greatly enhance the well-being of all Montanans through local management activities that will protect and conserve our treasured water resources, open lands, biological habitats, preserve water quality and quantity and reduce erosion. We believe that HB 455 provides an essential planning tool that may be used during this time of rapid change and growth as well as into the future to protect people and property from flood hazards.

Respectfully,

Laura Hendrix, CFM Chair

"Ensuring the Responsible Management of Montana Floodplains Through Communication, Cooperation, and Education"

AMFM P.O. Box 1305 Helena, Montana 59624-1305 mtfloods@mtfloods.org www.mtfloods.org



EXHIBIT

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HB

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Hamilton, MT 59840
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Respectfully,

Laura Hendrix, CFM Chair

EXHIBIT 7

DATE 2-19-89

HB H 6455

CYNTHIA S. POETT

3065 Kleinschmidt Flat Rd Ovando, MT 59854

To whom it may concern,

I am writing in support of the Black foot.

I am writing in support of the Black of future protection for the banks of future protection for the banks of and 10 Mondane rivers. My husband and 10 Mondane rivers. My husband and frish most I are avid fly fishers and frish most of the lorivers regularly. We live out-of the lorivers regularly. We live out-side of ovando on a tributary of the Black foot.

We bought our house in 1996 and regret fully it sits way too close to the river. I was first aware of the problem when I saw the house from the perspective of the river. Since then the river harmould, as they always do, and the main channel is now on our ride. Hopefully we will not have a problem but it is a concern, In addition we have a potential Fire problem as the only trees that grow naturally here are along the river. Daring Pire season we are vulnerable on that side, with a 250 set back none of these things would be issues.

involved with Big Black Foot Thouse Unlimited, the Black foot Challenge and the Clark Fork Coalition.

Much of our time is spent trying to protect Montane's nivers. They are a natural treasure which we, on family and Friends from all over the world enjoy.

Very sincerely,

Cindly Poet

EXHIBIT 7

DATE 2-19-09

HB HB 455

February 18, 2009

To Members of the House Local Government Committee:

I am an owner of Northern Lights Development Company, and any time a growth/development bill like the Big Sky Rivers Act is proposed I ask myself "what will this bill do to property values?"

Having homes an appropriate distance from the banks of our rivers will preserve property values by protecting owners from flood and ice damage. These setbacks also preserve viewsheds and the healthy riparian areas that allow our fish and game to flourish. **This bill will ensure and improve property values for all of us**, because whether you live in a big home on the river or a smaller home in an average neighborhood, you probably live in Montana for the same reasons. Open space, clean water, and healthy fish and wildlife are important to all of us.

Some development is just too close to our most fragile and special places, and we have a responsibility not to love our resources to death. It is common sense and good business. As long as people continue to live here for the abundance of our open spaces and the majesty of our natural landscape, the Big Sky Rivers Act will effectively preserve property values in all of our neighborhoods by preserving the Montana we all cherish.

I thank you for your time and urge you to support House Bill 455.

Sincerely,

Stuart Goldberg
Northern Lights Development Company
900 Lolo Street
Missoula, Montana 59802
406-250-7146
stuartgoldberg@bresnan.net

EXHIBIT	7
DATE	2-19-09
HB	18455

Clayton H. Dethlefsen 415 West Main Street Hamilton, Montana 59840 [406] 363-1651

February 18, 2009

Honorable Gary MacLaren House of Representatives State of Montana Helena, Montana 59601

Honorable Jim Shockley State Senate State of Montana Helena, Montana 59601

Subject: Letter of Support for HR 455, Big Sky Rivers Act

Dear Representative MacLaren and Senator Shockley,

I am corresponding with you and other members of our State's House of Representatives and Senate to express my fervent and complete support for the enactment of House Bill 455, Big Sky Rivers Act.

Because my support many not mean as much without an introduction, let me introduce myself. I am Clay Dethlefsen. I was appointed by the County Commissioners' of Ravalli County nearly two years ago to our County's Streamside Setback Committee. The mission of our committee was to develop a draft of a regulation for the protection of our County's rivers, streams and creeks. At the onset of this Committee I was elected by its members and subsequently re-elected as it Chairman.

As a result I gained a great deal of intimate and objective knowledge of the needs, support and opposition for stream side management, knowledge which I submit is applicable to similar requirements for all our Counties. I can best describe these areas of knowledge in two categories. First the scientific and environmental needs to protect our essential resources and second the political aspect of this initiative.

As to the scientific and environmental aspects, we in the State of Montana need management rules and regulations to ensure that our essential resources are properly managed so that we always have our pristine, and unpolluted natural flowing waterways and the environment that makes them such. During my tenure as Chairman I heard a great deal of support and opposition for the content of our draft management regulation. But never did I hear an informed citizenry oppose the need or the basic concept for stream side management as long as it made provision to entertain all realistic aspects of the needs of the entire Citizens of Ravalli county.

Of course this was the major challenge but those citizens who came to our meetings with open minds and willingness to in an adult manner work with us enabled us to produce a pragmatic draft regulation, which was submitted to our County Commissioners for legislative action. It was not perfect but it is a very professional document and it does include critical to the public content, as well as scientifically founded reasoning.

The content influenced by our citizens included the critical provisions for the following items:

- a. Protection of the health safety and welfare of our community as a whole and as individuals.
- b. Grand fathering of existing legal conditions and uses along our waterways,
- c. Assessment of the impact of stream management areas on Real Estate Values,
- d. The need for flexibility to insure that no property would become "unbuildable."
- e. Variance procedures which would be flexible and adequate to allow the uniqueness's of each land parcel to be evaluated at the land owners request for exception to the regulation,
- f. The establishment of a zoning board of adjustments to administer the variance provisions of the regulation where the board would be a quasi-judicial board responsible for its action in the judicial branch of government to be a completely objective entity in its operations be completely divorce from political control,
- g. Clarity of the intent of the regulation so that it could be easily understood and adhered to by each and every citizen,
- h. Consideration for properties which by nature were fully encompassed and primarily riparian.
- i. Consideration and exclusion for the traditional uses of irrigation and agriculture not only for large ranches but also for smaller properties often called "Ranchettes,"
- j. Consideration for the property rights of all citizens, not just those who expressed and continue to express "self serving "tunnel vision views of individual rights, and;
- k. Examination of the aspect of Eminent Domain and Takings with full mitigating content to ensure that the management regulation did not cause practical or legal problems in these areas.

In addressing these areas and other critical scientific provisions we found that the specific details of the overall content of our regulation had to be specific in its "definitions of terms and content," and that just general categorical descriptions would not suffice because they left to much confusion. For example we found that Grand Fathering had to be universal in its coverage and longevity, and that it had to be specifically defined so that it provided for no possible change through future legislation or amendments. We also found that because our rivers are dynamic and that they migrate this provision had to be base on land use and not on land existence, and that it had to be defined and fixed as a

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distance from the current high water mark. We also found that this provision had to be the same for all geographically regions in our County.

We found, too, through investigation of numerous studies on the issue of "negative impacts on Real Property Values" that no study had concluded that there was a direct relationship between establishment of a management area along rivers or streams and the loss of real value of stream side properties. In fact the majority of these studies concluded that stream side management regulation stabilized and very often enhanced property values. The reasoning for these phenomena was that a constancy of use and the ability to rely on this constancy gave perspective buyers an assurance that their neighbors, through unbridle methods, could not act to impact negatively on property values.

As to the political aspect, it was determined that when the opposition to our work could not disrupt our assigned mission, nor could they dissuade our County Commissioners from having us complete our draft work, they moved on to attacking our County's ability to proceed by a venomous and vehement assault on our Growth Policy. This action was fraught with initiatives and instances that have been assessed a under handed, less than fully honest, loaded with half truths, designed to avoid complete relating of the full facts surrounding the impacts of stream management and zoning initiatives on Montana citizens in general and Ravalli County's citizens specifically.

In summary a political campaign was championed by Dan Cox, Terry and Chris Daniel, Dan Floyd, Terri Ryan, Tom Roback and others that could be described as founded in the concept "Conspiring with the wealthy to deprive, mislead and control the responses of the less fortunate" with the sole objective of serving the formers' selfish and self serving needs. This opposition campaign has been assessed as using fear, negative innuendo, intimidation and fear mongering verbiage and other what can be considered less than forthright practices. In fact it could be cited that they had no intention of campaigning "with reasonableness toward or in good faith with their neighbors or our County's citizens."

They were very successful with this campaign and our Growth Policy was repealed. Hence preempting any local action toward the protection of our waterways for the near future. Thus, the enactment of a State level bill to allow our Counties to proceed is essential.

After the Repeal of our Growth Policy, I talked with several voters who confessed that they had voted to repeal our Growth policy. What I discovered that supports this "Conspiring Theory" was highlighted by the following paraphrased responses:

- a. I voted to repeal because I wanted to get even with the government, when questioned what government the response was all government,
- b. I voted to repeal because I am tired of this uncontrolled growth that is destroying my valley [obviously she did not understand our Growth Policy],

- c. Look what the government did to our timber industry, I don't want the government to destroy our rivers,
- d. I won't let anyone tell me what I can do or not do on my property and who cares what others do [on their property],
- e. I don't trust our elected County Commissioners or their attorney, do I don't want to be controlled by them or County regulation.

These are just a few of the comments that lead to confirm the misinformed beliefs of many who voted to repeal. I submit that they are more properly informed now and as a result would not now vote for repeal. Hence, I suggest that any current statement that the voters of Ravalli universally do not want stream side management now has to be taken with a "large grain of salt" and very skeptically received.

I hope this correspondence will be received in the supportive, cautionary and objective fashion it is intended, and I wholeheartily apologize for not being able to appear in person to present to your Committee. I am available at a later date and would welcome the opportunity to openly debate, be questioned on and participate in any activity in support of the passage of this proposed legislation.

Sincerely Yours,

Clayton H. Dethlefsen Chairman Previous Ravalli Streamside Protection Committee

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EXHIBIT 7

DATE 2-19-09

HB 455

February 19, 2009

House Local Government Committee

Rep. Elsie Arntzen (Chair)

Rep. Betsy Hands (Vice-Chair)

Rep. Gary MacLaren (Vice-Chair)

Reps. Becker, Bennett, Berry, Driscoll, Ebinger, Grinde, Hamilton, Ingraham, Menahan, More,

Reichner, Reinhart, Sands, Stahl, Vance

Dear Chairmwoman Arntzen and Members of the Committee:

My name is Bryan Atwell and I am a Realtor and member of the Montana Association of Realtors and the Gallatin Association of Realtors. I have been in the real estate industry for 10 years.

Unfortunately, my work did not allow me to travel to Helena to testify before you today, However, as both as real estate professional and an avid sportsman, the issue of unrestricted development along Montana's most prized rivers is so important to me that I wanted you to know how strongly I support the Big Sky Rivers Act.

It disappoints me that the lobby groups representing Montana's real estate professionals and builders oppose this legislation. They claim it infringes upon private property rights and it would somehow reduce property values. I, and many of my colleagues in the real estate profession, strongly disagree with this assessment. In fact, I believe the Big Sky Rivers Act protects private property rights and would increase property values along the ten rivers that would be affected by this legislation. For example, the other day I previewed a property for an out of state buyer that was located in Paradise Valley and had Yellowstone River frontage. Although the house was located at least 250' from the cutbank, I did notice natural erosion occurring. I thought to myself, "If this home was built 100' closer to the river, it would certainly have less of an appeal to my prospective buyer, because of the natural erosion that takes place." Less appeal = Lower Value. The only cure to save a home that was built to close to a cutbank, would be to install "riprap". We all know that non-natural ways of preventing erosion is not good for a rivers overall livelihood.

The real estate profession in Montana relies heavily on clean, healthy rivers, good fishing and hunting, and spectacular scenery to sell its product. If we compromise those values by allowing improper development to occur along the ten rivers covered by the Big Sky Rivers Act, we lose our most effective marketing strategy. Not only that, but by sanctioning development in flood and erosion prone areas along our major rivers, we knowingly place people and homes in harm's way.

I would like to close by quoting from the preamble of the realtors' Code of Ethics, which

24 S. Willson Avenue, Suite A-1, Bozeman, MT 59715

Office: (406) 522-9600 • Fax: (406) 522-9601

www.realestateoutfitter.com



I take very seriously:

Under all is the land. Upon its wise utilization and widely allocated ownership depend the survival and growth of free institutions and of our civilization. Realtors should recognize that the interests of the nation and its citizens require the highest and best use of the land and the widest distribution of land ownership. They require the creation of adequate housing, the building of functioning cities, the development of productive industries and farms, and the preservation of a healthful environment.

Such interests impose obligations beyond those of ordinary commerce. They impose grave social responsibility and a patriotic duty to which realtors should dedicate themselves, and for which they should be diligent in preparing themselves.

Chairwoman Arntzen and Members of the Committee, the Big Sky Rivers Act perfectly embodies this code of ethics. It balances profit with responsibility while honoring our country's strong tradition of respecting private property rights.

I urge you to pass this important legislation.

Sincerely,

Bryan Atwell

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